

REMARKS

The Office Action mailed March 4, 2003, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-11 are pending in this Application. Claims 1, 2 and 4-11 stand rejected. Claim 3 stands objected to as being depending upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. By this Amendment, Applicants have amended claims 1, 2, and 5-8 to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 3 has been rewritten in independent form, while new claims 12-14 have been added. Thus, claims under consideration are believed to include claims 1, 2 and 4-14, while claim 3 is believed to be in condition for allowance.

Claim Rejections Under 35 USC § 102

Claims 1, 2, 5-7, 9 and 10 stand rejected under 35 USC § 102(b) as being anticipated by Okada et al. 5,182,349 or Mitsubishi Petrochemical Co. EP 0 468 418. This rejection is respectfully overcome.

Applicants invention, as defined by amended claim 1, comprises a synergistic stabilizer composition having a random copolymer of ethylene and hindered amine moieties containing acrylates/ methacrylates and at least one light stabilizing

compound based on sterically hindered amines (HAS) and/or UV absorbers wherein the radical R3 is C₁ to C₈ alkoxy group.

Neither Okada et al. or the corresponding EP patent disclose, teach, or suggest a synergistic stabilizer composition wherein the hindered amine moiety contains a radical R3 which is a C₁-C₈ alkoxy group.

As it is axiomatic that a § 102 rejection requires the prior art reference to teach each and every aspect of an applicant's invention, it is respectfully submitted that Applicants invention, as defined by independent claim 1, and all claims depending therefrom, is not anticipated by Okada et al. 5,182, 349 or EP 0 468 418.

Claim Rejections Under 35 USC § 103

Claims 1, 2 and 4-11 stand rejected under 35 USC § 103(a) as being unpatentable over Okada et al. 5, 182,349 or Mitsubishi Petrochemical Co. EP 0 468 4189, in view of Sudo et al. 5,262,233, further in view of Galbo et al. 5,844,026 or Bonora 5,948,836. This rejection is respectfully traversed.

As discussed in above with respect to § 102 rejection of claims 1, 2, 5-7, 9 and 10, it is Applicants' respectful position that none of the cited references teach amine moieties containing acrylates/methacrylates of the formula (II) having a R3 radical, wherein the R3 radical is a C₁-C₈ alkoxy group.

It is beyond contention that a *prima facie* case of obviousness under 35 USC § 103 requires the prior art to provide some motivation for one with ordinary skill in the art to arrive at an applicant's claimed invention. Here, the references provide absolutely no motivation which would enable an artisan to combine the references in a manner which would yield Applicants' claimed invention. Specifically, the references do not teach, disclose, or suggest a C₁-C₈ alkoxy group on the hindered amine moieties. Therefore, it is respectfully submitted that any motivation to derive the invention claimed by Applicants is the product of impermissible hindsight gained by knowledge of Applicants' invention. It is therefore courteously submitted that independent claim1, and all claims depending therefrom, is not made obvious by any

combination of Okada et al. 5,182,349 and EP 0 468 418, in view of Sudo et al., Galbo et al, or Bonora.

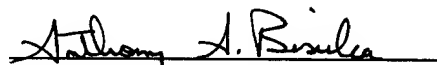
In view of the foregoing, it is believed that the 35 USC § 103 rejection have been overcome. Applicants respectfully request reconsideration and withdrawal of the rejection.

In the returned 1449 form signed by the Examiner on March 1, 2003, Applicants had referenced and provided a copy of a document entitled "Polymer Bound Hindered Amine Light Stabilizers for Improved Weatherability in Multi-Phase Polymer Systems." However, in the returned 1449, the Examiner's initials do not appear next to the document. In consequence, Applicants respectfully request an updated 1449 showing consideration of the above referenced document.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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